

Department of Alcoholic Beverage Control
Selected Highlights of Certain Licensing Requirements for Selected Retail Licensees
Prepared for Business and Labor Interim Committee
May 15, 2013

This document includes only selected highlighted licensing requirements. Please refer to Title 32B, Utah Code, and administrative rules for further information and detailed requirements. See the notes at the bottom of this table for selected highlighted requirements applicable to all retail licensees. This table does not include operational requirements for a state store, package agency, or permittees. As used in this table, “sell” or “sales” also includes “offer to sell,” “furnish,” or “allow the consumption.”

Name of Retail License	Population Quota? #Licenses/State Population	Hours When Sales of Alcohol Are <i>Not</i> Permitted	Admission of a Minor	Selected Specific Operational or Licensing Requirements
Retail Licenses				
Restaurants:				

Name of Retail License	Population Quota? #Licenses/State Population	Hours When Sales of Alcohol Are <i>Not</i> Permitted	Admission of a Minor	Selected Specific Operational or Licensing Requirements
Full-Service Restaurant	Yes 1 per 4,534	Between midnight and 11:29 a.m.	Is permitted.	A full-service restaurant licensee: <ul style="list-style-type: none">may sell an “alcoholic product” which includes spirituous liquor, wine, beer, and heavy beer;must display in a prominent place a list of the types and brand names of liquor being furnished through a calibrated metering dispensing system;may store an alcoholic product only in certain areas;must provide a written beverage tab that meets certain requirements for each table;must maintain at least 70%

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Limited Service Restaurant	Yes 1 per 7,493	Same.	Is permitted.	Similar to the operational requirements for a full-service restaurant licensee except that a limited service restaurant licensee may only sell wine, beer, and heavy beer.
Beer Only Restaurant	No	Same.	Is permitted.	Similar to the operational requirements for a full-service restaurant licensee except that a beer only restaurant may not sell liquor on its licensed premises.
Clubs:	Yes 1 per 7,850	Between 1:00 a.m. and 9:59 a.m.		A club shall remain open for one hour after the club ceases the sale of an alcoholic product during which time a patron may finish consuming a single drink or serving.

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Social	Yes Included above		Is not permitted. (Certain exceptions apply for a dance or concert hall on the premises of a social club.)	Must generally meet all licensing requirements for clubs except that a social club is not required to meet the requirements specific to an equity club, fraternal club, or dining club.

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Dining	Yes Included above		A minor may not be admitted to a lounge or bar area on the premises of the licensee. May be admitted to the premises of the licensee when accompanied by an individual who is 21 years of age or older.	A dining club licensee shall: ✧ maintain at least 60% of total club business from sales of food; and ✧ obtain a determination from the DABC that the licensee will operate as a dining club, as part of which the DABC may consider: <ul style="list-style-type: none">○ size and seating capacity of the premises;○ portion of the premises that will be used for dining purposes in comparison to the portion that will be used as a lounge or bar area;○ whether full meals

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Equity	Yes Included above		May not be admitted to a lounge or bar area on the premises of the licensee.	An equity club licensee shall:  be organized and operated solely for a social, recreational, patriotic, or fraternal purpose;  have members;  limit access to only a member or guest;  own or maintain a substantial recreational facility in conjunction with a club house; and  comply with certain other voting and membership requirements.

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Fraternal	Yes Included above		May not be admitted to a lounge or bar area on the premises of the licensee.	A fraternal club licensee shall: <ul style="list-style-type: none"> It be organized and operated solely for a social, recreational, patriotic, or fraternal purpose; It have members; It limit access to a member or a guest of a members (except if certain requirements are met, a person who is not a guest of a member may be admitted); It have no capital stock; It exist solely for the benefit of its members; It have a representative form of government; It have a lodge system; and It own or lease space used for lodge activities.

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Airport Lounge	Quota is not based on population. At an international airport, the DABC may issue one license per 2.5 million passengers.	Between midnight and 7:59 a.m.	Is permitted.	An airport lounge: <ul style="list-style-type: none">It is only permitted beyond a security gate;It may sell an alcoholic product on its premises;It may not allow a patron to remove an alcoholic product from its premises;It must display the types and brands of liquor being furnished through its calibrated metering dispensing system;It must provide a written tab for each table or group; andIt may not be leased for a private event.

Name of Retail License	Population Quota? #Licenses/State Population	Hours When Sales of Alcohol Are <i>Not</i> Permitted	Admission of a Minor	Selected Specific Operational or Licensing Requirements
On-premise Banquet	Yes 1 per 30,000	Between 1:00 a.m. and 9:59 a.m.	Is permitted.	<p>An on-premise banquet licensee:</p> <ul style="list-style-type: none"> may sell an alcoholic product in connection with a banquet or room service activities at a hotel, resort facility, sports center, or convention center; and must provide advance notice to the DABC of a scheduled banquet. <p>Other requirements include:</p> <ul style="list-style-type: none"> consumption of an alcoholic product is limited to the location of the banquet; at least 50% of total annual banquet receipts must be from sales of food; and room service of an

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Reception Center	Yes 1 per 56,313	Between 1:00 a.m. and 9:59 a.m.	Is permitted if food is available.	A reception center licensee: ✘ may not have an event on its licensed premises except by under contract with a third-party host; ✘ may not maintain in excess of 30% of its total annual receipts from the sale of an alcoholic product; ✘ except for an event hosted by a non-profit organization, may not operate an event that is open to the public at which an alcoholic product is sold; and ✘ except for an alcoholic product that is dispensed from a mobile unit, a reception center must comply with the same

Name of Retail License or Permit	Population Quota? #Licenses/State Population	Hours When Sales of Alcohol Are <i>Not</i> Permitted	Admission of a Minor	Selected Specific Operational or Licensing Requirements
On-premise Beer Retailer		Between 1:00 a.m. and 9:59 a.m.		

Tavern	Yes 1 per 54,147	See above. A tavern shall remain open for one hour after the tavern ceases the sale of beer during which time a patron may finish consuming a single serving of beer.	Is not permitted.	Engages primarily in the sale of beer for on-premises consumption.
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Non-Tavern	No	See above.	Is permitted.	<div>ñ At least 70% of total gross revenues must be related to a recreational amenity located on or directly related to the licensed premises or have a recreational amenity located on or directly adjoining the licenses premises and maintain at least 70% of total gross revenue from sales of food.</div> <div>ñ “Recreational amenity” includes a billiard parlor, pool parlor, bowling facility, golf course, sports facility of a certain size that host professional sporting events, certain concert venues, a ski resort, certain government facilities, concessions within the boundaries of a park administered by the National Parks Service or the Division of Parks and Recreation.</div>
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Additional selected requirements for all retail licensees include:

1. shall comply with Title 32B, Utah Code and the rules of the commission, including the relevant part under Title 32B, Chapter 6, Specific Retail License Act, for the specific type of retail license;
2. shall display in a prominent place in the licensed premises the retail license that is issued by the department;
3. shall display in a prominent place a sign in large letters that consists of text in the following order:

- a. a header that reads: "WARNING"; and a warning statement that reads: "Drinking alcoholic beverages during pregnancy can cause birth defects and permanent brain damage for the child."; and a statement in smaller font that reads: "Call the Utah Department of Health at [insert most current toll-free number] with questions or for more information.";
 - b. a header that reads: "WARNING"; and a warning statement that reads: "Driving under the influence of alcohol or drugs is a serious crime that is prosecuted aggressively in Utah."
- 4. may not on the licensed premises engage in or permit any form of gambling, have any video gaming device, engage in or permit a contest, game, gaming scheme, or gaming device that requires the risking of something of value for a return or for an outcome when the return or outcome is based upon an element of chance, excluding the playing of an amusement device that confers only an immediate and unrecorded right of replay not exchangeable for value.
- 5. may not knowingly allow a person on the licensed premises to sell, distribute, possess, or use a controlled substance, use, deliver, or possess with the intent to deliver drug paraphernalia;
- 6. shall, upon the presentation of credentials, at any time during which a retail licensee is open for the transaction of business, immediately admit a commissioner, authorized department employee, or law enforcement officer to the retail licensee's premises;
- 7. may not purchase liquor except from a state store or package agency;
- 8. may not purchase beer except from a licensed beer wholesaler or small brewer;
- 9. may only sell:
 - a. spirituous liquor in a quantity that does not exceed 1.5 ounces dispensed through a calibrated metered dispensing system;
 - b. wine by the glass or in an individual portion that does not exceed five ounces per glass or individual portion;
 - c. wine in a container not exceeding 1.5 liters to a table of four or more persons; and
 - d. wine in a container not to exceed 750 milliliters to a table of less than four persons;
- 10. may sell heavy beer or a flavored malt beverage in an original container at a price fixed by the commission;
- 11. may sell beer for on-premise consumption in an original container or in a container on draft; and
- 12. may not sell an alcoholic product to a minor, a person actually, apparently, or obviously intoxicated, a known interdicted person, or a known habitual drunkard.